

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERNIE HINES D/B/A COLORFUL MUSIC,

Plaintiff,

v.

BMG RIGHTS MANAGEMENT (US) LLC,
W CHAPPELL MUSIC CORP., SHAWN
CARTER p/k/a JAY-Z, TIMOTHY
MOSLEY p/k/a TIMBALAND, and ELGIN
BAYLOR LUMPKIN p/k/a GINUWINE,

Defendants.

Case No. 1:20-cv-03535-JPO

**DECLARATION OF
BRETT VAN BENTHYSSEN**

I, Brett Van Benthysen, pursuant to 28 U.S.C. §1746, declare the following:

1. I am an attorney at law duly admitted to practice before the courts of the State of New York and before this Court and am an associate with the firm of Reitler Kailas & Rosenblatt LLP, attorneys for defendant Elgin Lumpkin (“Lumpkin” or “Defendant”) in the above-captioned action. I submit this declaration in support of Lumpkin’s Motion for Summary Judgment against Ernie Hines (“Hines” or “Plaintiff”). I am familiar with the record and the proceedings herein.

2. Defendant herby incorporates by reference the factual assertions and arguments contained in the Statement of Material Facts, Memorandum of Law, and supporting affidavits and exhibits filed by co-defendants Timothy Mosley, Shawn Carter and W Chappell Music Corp. d/b/a WC Music Corp. f/k/a WB Music Corp. (collectively, “Co-Defendants”) in connection with their Motion for Summary Judgment (ECF Doc Nos. 181-187).

3. Defendant respectfully requests an order granting summary judgment in Defendant’s favor.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 4, 2022

s/ Brett Van Benthysen
Brett Van Benthysen